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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,666	01/22/2002	Bernard A. Traversat	5681-07700	8016

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/055,666

Applicant(s)

TRAVERSAT ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1,2,4-20,30-41,48,49 and 51-79.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

1. As per remarks, Applicants' argued that (1) Weisman fails to disclose that each of the ... using the unique peer identifier of the other peer node, wherein the peer node does not use a network address of the other peer node to access the other peer node.
2. As to point (1), it is rejected for the same reasons as mentioned in the Final Office Action mailed on 09/14/2006. Furthermore, the invention of Weisman uses URL address for peer accessing, not the network address as claimed, as broadly and reasonably interpreted, as Internet Protocol (IP) or MAC addresses. Therefore, the prior art clearly teaches Applicants' claim language as written, and as such renders Applicants' claim language as written, unpatentable over the prior art of record.
3. As per remarks for claims 2, 5 and 8, they are rejected for similar reasons as mentioned in the Final Office Action.
4. As per remarks, Applicants (3) traverse the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 7,065,579 because the Final Office Action did not list the differences between each rejected claims and the claims of the other patent.
5. As to point (3), the table below shows the similarity and differences of the claimed inventions of application number 10/055,555 and patent No 7,065,579.

Application 10/055,666 (claims 1 and 18)	Patent 7,065,579 (claim 1)
A peer computing system, comprising	A device, comprising
a plurality of peer nodes operable to couple to a network;	a processor; a network interface configured to couple the device to a network; and a memory comprising program instruction, wherein the program instruction are executable within the device to:
a core layer comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment;	obtain two or more mechanisms for accessing a set of peer-to-peer platform resources from one or more peer nodes on the network, wherein the one or more peer nodes participate in a peer-to-peer environment on the network to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content
a service layer comprising one or more services each provided by one or more of the plurality of peer nodes in the peer-to-peer environment, wherein at least a subset of the services are operable to be used by the plurality of peer nodes in forming the peer groups and participating in the peer groups, and wherein each of the one or more services are configured to be accessed by the plurality of peer nodes in accordance with at least one of the one or more peer-to-peer platform protocols; and	wherein the two or more mechanisms for accessing the set of peer-to-peer platform resources include: a mechanism for accessing a discovery service for discovering resources in the peer-to-peer environment in accordance with a peer discovery protocol; and a mechanism for accessing a membership service for applying for membership in accordance with a peer membership protocol in one or more peer groups each comprising a set of cooperating peer nodes;

<p>wherein the one or more peer-to-peer platform protocols includes one or more of:</p> <p>peer discovery protocol for discovering resources in the peer-to-peer environment, wherein the resources include one or more of peer nodes, peer groups, content, services, applications, pipes, and pipe endpoints, wherein pipes are communications channels between two or more peer nodes in the peer-to-peer environment, and wherein pipe endpoints are network interfaces on the peer nodes that are configured to be bound to the pipes to establish the communications channels;</p> <p>a peer membership protocol for use by the peer nodes in applying for membership in the peer groups</p>	
<p>wherein each of the plurality of peer nodes is further configured to access another of the plurality of peer nodes on the network using the unique peer identifier of the other peer node ...</p>	<p>access the set of peer-to-peer platform resources using the two or more mechanisms to participate as a peer node in the peer-to-peer environment.</p>

The claims of Application 10/055,666 does not specifically disclose a processor, a network interface configured to couple the device to a network; and a memory comprising program instructions as described in the claims of patent 7,065,579 but it would have been obvious to a person skill in the art at the time the invention was made to recognize that the peer computing system of the instant application would have processor, network interface and memory because it would enable the plurality of peer nodes to communicate and exchange information with each other in network environment. According, they are rejected under the judicially created doctrine of obviousness-type double patenting.